

REMARKS/ARGUMENTS

The Office Action of May 30, 2006, has been carefully reviewed and these remarks are responsive thereto. Claims 35, 37 and 42 have been amended. No new matter has been added. Claims 1-33, 35-38, and 40-47 remain pending after entry of the present amendment. Reconsideration and allowance of the instant application are respectfully requested.

Claim Objections

Claims 35, 37 and 42 are objected to because of claim dependency informalities. Applicants have amended claims 35, 37 and 42 to revise the claim dependencies. As such, these objections are rendered moot.

Statement of Common Ownership

The present application and the Lewontin reference (U.S. Patent Pub. No. 2002/0087596 A1) were, at the time the invention was made, owned by, or subject to an obligation of assignment to Nokia Corporation or a wholly owned subsidiary thereof (i.e., Nokia Inc.).

Rejections Under 35 U.S.C. § 103

Claims 1-7, 11-16, 21-27, 31-33, 36-38 and 41-47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi (U.S. Pat. No. 6,633,759) in view of Lewontin. Claims 4, 5, 24, 25, 35 and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi in view of Lewontin and further in view of Lohtia *et al.* (U.S. Patent No. 6,560,456, hereinafter “Lohtia”). Claims 6, 15 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi in combination with Lewontin and further in view of Alanara *et al.* (U.S. Patent No. 6,097,961, hereinafter “Alanara”). Claims 8-10, 17-19 and 28-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi in combination with Lewontin and further in view of Winarski (U.S. Patent Pub. No. 2002/0123307). Claims 10, 19 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi in combination with Lewontin. The above Statement of Common Ownership removes Lewontin as an applicable reference for a rejection under 35 U.S.C. § 103(a), and these rejections are therefore respectfully traversed for at least this reason.

Further, as Applicants have discussed in previous responses, there is no motivation to combine Kobayashi with SMS messaging services such as those described in Lohtia, Alanara and Winarski. Kobayashi describes a short range connection between a mobile telephone and a PC that requires establishing a dedicated and continuous wireless link between the mobile telephone and the PC. Col. 2, ll. 31-40. SMS messaging, on the other hand, is a store and forward service, wherein the short messages are not sent directly from the sender to the recipient via a continuous data connection. Applicants' Specification, ¶¶ [0007] & [0023]. As such, using SMS messaging with Kobayashi would render Kobayashi unsatisfactory for its intended purpose. In particular, Kobayashi relies upon a continuous direct wireless link to allow manipulation of software on one device by another and for the transmission of data (e.g., screen data as the result of a job) in *real time*. Col. 8, ll. 64-67; Col. 12, ll. 27-32; Col. 13, ll. 14-17. As such, using a SMS service, whereby the messages are stored and forwarded with no establishment of a dedicated wireless link, would hinder the real time manipulation and transmission methods of Kobayashi. In other words, SMS service would not guarantee real time service, which, as evidenced above, is a critical component of Kobayashi. Significantly, the Federal Circuit has clearly held that if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 221 U.S.P.Q. 1125 (Fed. Cir. 1984). Thus, there is no motivation or suggestion to make the proposed modification.

In addition, independent claims 1, 13, 21 and 33 disclose transmitting the SMS message from a message center to a second terminal device through a *cellular network connection*. Contrary to the Office Action's assertions, Kobayashi does not teach or suggest transmitting data over a cellular network connection. At most, Kobayashi discloses that a device may be a cellular phone. Col. 14, ll. 7-11. In particular, Kobayashi specifically teaches transmitting data over a *short-range wireless* communication link using the cellular phone, not a cellular network connection. Kobayashi even emphasizes the short-range wireless communication requirement by disclosing, at Col. 14, ll. 26-32, that data can be transmitted/received among more than two devices "*if the device is provided with a similar wireless communication function (a wireless LAN or Bluetooth System in 2.45 Ghz).*" (emphasis added). Bluetooth and wireless LAN's are both known to be short-range wireless communication protocols. As such, not only does

Kobayashi not teach or suggest transmitting data over a cellular network connection, Kobayashi, in fact, teaches away from using cellular network connections to transmit data such as an SMS message. As such, independent claims 1, 13, 21 and 33 are allowable for these additional reasons.

Claims 3, 11, 12, 20, 23, 31, 32, 36, 37, 41, 42, and 43-47 are dependent on their respective base independent claims and are thus allowable for at least the same reasons as those claims and further in view of the novel and non-obvious features recited therein.

Applicants reserve the right to further attack the motivation to combine any or all of the cited references, but believe this is not necessary at this time based on the above-noted features lacking from each reference.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3156.

Respectfully submitted,

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